REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed March 29, 2006. In the Office Action, the Examiner notes that claims 1-13, 15-26, 28-33, 35 and 36 are pending of which claims 1-8, 11-13, 15-19, 21-24, 28-33, 35 and 36 are rejected and claims 9, 10, 20, 25, and 26 are objected to. By this response, Applicants have amended claims 1, 3, 4, 9, 17 and canceled claims 2 and 20.

In view of the foregoing amendments and the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all of these claims are now in allowable form.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

REJECTIONS

35 U.S.C. §103

Claims 1, 2, 4, 5, 8, 11-13, 15-19, 24, 28-33, 35, and 36

Claims 1, 2, 4, 5, 8, 11-13, 15-19, 24, 28-33, 35, and 36 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mimura et al. (US006557031B1, hereinafter "Mimura") in view of Greer et al. (US006247048B1, hereinafter "Greer"). Applicants respectfully traverse the rejection.

Applicants' independent claim 1 recites:

> 1. A method of streaming content via a distribution network to any of a plurality of heterogeneous access networks, comprising:
> encapsulating content according to the steps of:
> preprocessing said content into at least one packet having a format and size optimized for storage and retrieval at a local streaming server, wherein said preprocessing step further comprises transcoding said content into at least one packet format, wherein said transcoding occurs prior to storage on said local streaming server;

encapsulating said at least one packet of content in a payload portion of a real time transport protocol (RTP) packet; and

encapsulating said RTP packet in a payload portion of an Internet Protocol (IP) packet structure;

retrieving from said local streaming server, said content encapsulated according to said IP packet structure;

processing, at said local streaming server, said retrieved content into a format native to an access network from which a user request originated;

streaming processed content to said access network via said distribution network, said distribution network format being different than said access network formats; and

extracting said content from said IP packet downstream of said distribution network.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather, the test is whether the claimed invention, considered as a whole, would have been obvious. The Mimura and Greer references alone or in combination fail to teach or suggest Applicants' invention as a whole.

The Mimura reference discloses a transfer protocol conversion method and a protocol conversion equipment that transmits TS packets for a CATV network, a DAVIC network or the like by use of IP packets. Examiner admits in the office action of 3/29/06 that Mimura fails to show or fairly suggest transcoding the content prior to storage.

Furthermore, the Greer reference fails to bridge the substantial gap between the Mimura reference and Applicants' invention. In particular, the Greer reference discloses a system for transcoding character sets between Internet hosts and thin client devices over data networks. Examiner also admits in the office action of 3/29/06 that Greer reference fails to show or fairly suggest transcoding the content prior to storage.

As such, Applicants submit that independent claim 1, as amended, including the limitation of "wherein said transcoding occurs prior to storage on said local streaming server" is non-obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder.

The Examiner states that the prior art of record fails to show or fairly suggest that the content is stored as IP packets as claimed in claim 20. Independent claim 17, as

amended, includes relevant limitations of claim 20 and, as such, claim 17 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder.

Claim 2 has been canceled and its limitations have been incorporated into claim 1. Furthermore, claims 4, 5, 8, 11-13, 15-16, 18-19, 24, 28-33, 35, and 36 depend directly or indirectly from independent claims 1 and 17 and recite additional features thereof. As such, and at least for the same reasons as discussed above, Applicants submit that these dependent claims also are non-obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

Therefore, Applicants respectfully request that the rejection be withdrawn.

Claims 3 and 23

Claims 3 and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mimura in view of Greer as applied to claims 1, 2, 4, 5, 8, 11-13, 15-19, 24, 28-33, 35, and 36 above, and further in view of Zheng et al. (US006611522B1). Applicants respectfully traverse the Examiner's rejection.

Claims 3 and 23 depend directly or indirectly from independent claims 1 and 17 and recite additional features thereof. Moreover, for at least the reasons discussed above, the Mimura and Greer references alone or in combination fail to teach or suggest Applicants' invention as a whole as recited in independent claims 1 and 17. Moreover, Examiner admits in the office action of 3/29/06 that Zheng et al. fails to show or fairly suggest transcoding the content prior to storage. Accordingly, any attempted combination of the Mimura and Greer references with Zheng, in a rejection against the dependent claims, would still result in a gap between the teachings of Mimura and Greer and the independent claims in regards to the rejection against the independent claims. As such, Applicants submit that dependent claims 3 and 23 are also non-obvious and are patentable under 35 U.S.C. §103.

Therefore, Applicants respectfully request that the rejection be withdrawn.

Claims 6, 7, 21, and 22

Claims 6, 7, 21, and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mimura in view of Greer as applied to claims 1, 2, 4, 5, 8, 11-13, 15-

19, 24, 28-33, 35, and 36 above, and further in view of Wahl et al. (US005898456A). Applicants respectfully traverse the Examiner's rejection.

Claims 6, 7, 21, and 22 depend directly or indirectly from independent claims 1 and 17 and recite additional features thereof. Moreover, for at least the reasons discussed above, the Mimura and Greer references alone or in combination fail to teach or suggest Applicants' invention as a whole as recited in independent claims 1 and 17. Moreover, Examiner admits in the office action of 3/29/06 that Wahl et al. fails to show or fairly suggest transcoding the content prior to storage. Accordingly, any attempted combination of the Mimura and Greer references with Wahl, in a rejection against the dependent claims, would still result in a gap between the teachings of Mimura and Greer and the independent claims in regards to the rejection against the independent claims. As such, Applicants submit that dependent claims 6, 7, 21, and 22 are also non-obvious and are patentable under 35 U.S.C. §103.

Therefore, Applicants respectfully request that the rejection be withdrawn.

Official Notices

The Examiner has taken Official Notice at least on page 8, at least with respect to claim 35. Applicants respectfully traverse each Official Notice taken by the Examiner. Applicants respectfully submit that each Official Notice is erroneous at least because the claim limitations which are rejected using the Official Notice are believed to be not well known at least within the context of the independent claims from which these limitations depend. Applicants respectfully disagree that using SONET and ATM networks are well known in a distributed network of Mimura and Greer.

The Examiner is respectfully requested to provide documentary evidence to substantiate each Official Notice (see MPEP 2144.03(C)). Without this documentary evidence, Applicants respectfully submit that the Official Notices must be withdrawn.

ALLOWABLE SUBJECT MATTER

The Examiner has objected to claims 9-10, 20, and 25-26 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form

including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for indicating the allowable subject matter with respect to these claims. Claim 20 has been canceled and its limitations have been incorporated into independent claim 17. However, in view of the amendment and discussion set forth herein, Applicants believe base claims 1 and 17 (and all dependent claims) are in allowable form and, as such, the dependent claims 9-10 and 25-26 as they stand, are therefore in allowable condition. Therefore, Applicants respectfully request that the foregoing objections to such claims be withdrawn.

CONCLUSION

Thus, Applicants submit that all of the claims presently in the application are non-obvious and patentable under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jasper Kwoh at 732-530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 6/22/06

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